

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PETER TORRES RAMIREZ, ) Case No.: 1:24-cv-0323 JLT EPG  
Petitioner, )  
v. ) ORDER ADOPTING IN FULL THE FINDINGS  
CHARLES SCHOLYER, ) AND RECOMMENDATIONS, DISMISSING THE  
Respondent. ) PETITION WITHOUT PREJUDICE, AND  
 ) DIRECTING THE CLERK OF COURT TO CLOSE  
 ) THE CASE  
 ) (Doc. 5)  
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Peter Torres Ramirez is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks to challenge his convictions in the Fresno County Superior Court for attempted murder of a peace officer and three counts of assault of a peace officer with a semiautomatic firearm. Because Petitioner previously sought federal habeas relief related to the identified convictions, the magistrate judge found the petition was successive. (Doc. 5 at 1-2.) The magistrate judge also found Petitioner failed to show the Ninth Circuit granted him leave to file a second petition regarding his convictions. (*Id.* at 3.) Therefore, the magistrate judge recommended the petition “be dismissed as an unauthorized successive petition.” (*Id.*, emphasis omitted.)

The Court served the Findings and Recommendations on Petitioner and notified him the “failure to file objections within the specified time waive the right to appeal the District Court’s order.” (Doc. 5 at 3, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) The Court granted Petitioner’s request for an extension of time to file objections, and extended the deadline “to and

1 including June 24, 2024, to file objections.” (Doc. 7.) However, Petitioner did not file any objections  
2 and the time to do so has passed.

3 According to 28 U.S.C. § 636(b)(1) this Court performed a *de novo* review of this case. Having  
4 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported  
5 by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations dated (Doc. 5) are **ADOPTED** in full.
- 7 2. The petition is **DISMISSED** without prejudice as an unauthorized successive petition.
- 8 3. The Clerk of Court is directed to close this case.

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10 IT IS SO ORDERED.

11 Dated: July 9, 2024

  
UNITED STATES DISTRICT JUDGE

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